

## **REMARKS**

Applicant has carefully reviewed the above identified application in light of the Office Action dated December 16, 2004. Claims 1 and 3-20 remain presented for examination. Claim 18 has been amended to overcome the formal rejection.

Claims 1, 10, 17 and 19 are the only independent claims.

Applicant notes with appreciation the allowance of Claims 1, 3-9 and 17-20 and the indication that Claims 11-15 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. Claims 11-15 have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 10 and 16 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent Application Publication 2002/0183038 (Comstock). Claim 18 was objected to because it improperly stated that it depended from itself. Claim 18 has been amended to depend from claim 17. Accordingly, it is believed that the objection has been obviated, and its withdrawal is therefore respectfully requested.

Applicant will now address the rejection of claim 10 as being anticipated by Comstock under 35 U.S.C. § 102. Claim 10 relates to a method of distributing data in a network comprising mobile nodes and at least one fixed node, at least a portion of the network for communicating with the mobile nodes being wireless. This method comprises the mobile nodes issuing requests via the wireless portion of the network for data from the fixed node. The method further comprises the fixed node transmitting the data via the wireless network portion in response to the requesting node. In the event the mobile node does not receive the data requested from the fixed node, the mobile

node issues a subsequent request for the data from other mobile nodes. The method further comprises another mobile node, which receives this subsequent request and which has the requested data, transmitting the requested data to the requesting node.

An important feature of the present invention as defined by claim 10 is the capability of the network to respond to the data request by furnishing that data from another mobile node which already has the data. This feature is described in detail in the specification and an example of which is detailed at page 11, lines 12-17. As clearly illustrated by this example, the requesting node (the first squad car) obtains the requested data from another mobile node (another squad car). As noted, this may not be the most current version of the data that is present in the fixed node. That is, the other squad car does not act as a mere messenger who simply obtains the current state of the data from the fixed node and then passes it on to the requesting node. Rather, this other squad car has its own database which contains the requested (possibly stale) data.

As understood by applicant, Comstock relates to a system in which a first portable device, in range of a network access point, acts as a repeater in relaying a message to a second portable device which is outside of the access point's range. More specifically, Comstock relates to an accounting system by which the first access point is compensated for performing this service. While Comstock does refer to data being transmitted, applicant submits that this is merely illustrative of the type of data signal that is being relayed (e.g., see page 3, paragraph 23: "textual data, electronic mail, voice data, video data, and other types of data"). Comstock does not teach or suggest that the access point which acts as a repeater would store or in any way have

access to the data content contained in the data signal. Applicant submits that the nature of Comstock's invention, a system wherein third parties are used as relay points, teaches away from this feature. It is unlikely that a requesting party would utilize a system in which the data content of messages being relayed to him are intercepted and stored by unknown third parties.

Moreover, this data signal, and the data present therein is originating at the access point (the "fixed node" in the language of claim 10) and is clearly distinguishable from the present invention where the data signal is originated from another mobile node (whose data may be out of date with the data contained in the fixed node).

Applicant submits that Comstock fails to teach or suggest the feature of the present invention as defined by claim 10 wherein the network has the capability to respond to the data request by furnishing that data from another mobile node which already has the data. For at least the above reasons, applicant submits that claim 10 is patentable over Comstock.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against claim 10. Claim 10 is therefore believed patentable over the art of record.

Claim 16 is dependent from claim 10 and is therefore believed patentable for the same reasons. Since claim 16 is also deemed to define an additional aspect of the invention, however, the individual reconsideration of its patentability on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully submitted,

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